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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,881	07/02/2001	Jordan Brown	SUN1P724/P5662NP	2202
22434	7590	11/09/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP			MISTRY, O NEAL RAJAN	
P.O. BOX 778			ART UNIT	
BERKELEY, CA 94704-0778			PAPER NUMBER	

2173

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/898,881

Applicant(s)

BROWN, JORDAN

Examiner

O'Neal R Mistry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This application has been examined.
2. Claims 1-24 are presented for examination.

### ***Drawings***

3. The Examiner contends that the drawings submitted on 07/02/2004 are acceptable for the examination proceedings.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The language of the claims 1-8, 10-17, 19-20, & 22-23 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Neilsen et al (U.S. Patent Number 6,639,687).

5. In regards to claims 1, 10, 19, 20, 21, 22, 23, & 24, Neilsen states a method of reporting a progress of an executing process, comprising:

generating a progress report in a progress reporting language, the progress reporting language indicating a process of one or more steps in the executing process (col. 1 lines 32 -36 & col. 10 line 67- col. 11 line 2) [preferred embodiments disclose a progress indicator generated on a computer display. Program logic in a computer system monitors the execution of a plurality of tasks and determines progress status information for each of the executing tasks.] & [The preferred logic of FIGS. 7-14 may be implemented in an object oriented programming language such as JAVA.TM., Smalltalk, and C++.]; and

providing the progress report to a user interface mechanism capable of interpreting the progress reporting language, the user interface mechanism adapted for generating a user interface indicating the progress of the one or more steps in the executing process (col. 1 lines 36-41) [The program logic may be used to select one of the executing tasks and display on a computer display a graphical representation of the progress status information of the selected executing task.].

In addition to claims 10, 22, 23, & 24, Neilsen states ascertaining the progress of the steps in the executing process from the progress report (col. 1 lines 49-53) [progress status information is determined by maintaining an object for each executing task, wherein each object includes status information. Program logic updates the status information in the objects]. The examiner interprets that the claim states the steps in the executing process from the progress report reads on the prior art of an object for each performing task, which allows the progress status information to be determined.

In addition to claims 21 & 24, Neilsen states a processor; and a memory, at least one of the processor and the memory being adapted for (col. 17 lines 8-12) [A memory device storing data structures accessible to a first application program, wherein the data structures comprise an object associated with each task executing in a computer system, wherein each executing task comprises an executing thread]. The examiner interprets that memory is used for storing data structures for executing tasks of the executing threads, and also that having a processor is inherent because the progress report is being operated on a computer system display, which inherently driven by a CPU.

6. In regards to claim 2 & 11, Neilson states generating a step identifier identifying a step in the process and a step description associated with the step identifier, the step description being adapted for display by the user interface mechanism (col. 4 lines 24-

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28) [FIGS. 4a, b illustrate different instances of the preferred progress indicator dialog box 40a, b that is capable of graphically illustrating and/or textually indicating the progress of one or more print jobs in the process of being submitted from the clients 4a, b, c to the printer manager 6].

7. In regards to claim 3 & 12, Neilsen states the step is to be performed in the future (Figure 10 item 124 & col. 8 lines 10-15, Neilsen) [Control then transfers to block 124 which represents the thread 50a, b, c determining whether there are further blocks of print job data to transmit.].

The examiner interprets that the function of block 124 is to check if there are steps to be performed in the future by verifying further blocks of print jobs of data that need to be transmitted.

8. In regards to claim 4, 9, 13, & 18, Neilsen discloses generating a progress report in a progress reporting language farther comprises: generating a begin indicator indicating that execution of a step in the process identified by the step identifier is beginning, and providing a completion indicator indicating that execution of the step identified by the step identifier has completed (col. 1 lines 41-43, Neilsen) [In further embodiments, the executing tasks have a discrete beginning and end. The progress status information indicates an amount of the task that has completed.]

9. In regards to claim 5 & 14 as noted with respect to claim 2, Neilsen discloses wherein generating a progress report in a progress reporting language comprises:

generating a progress indicator indicating the progress of one of the steps in the executing process (Figure 11 & col. 8 lines 19-24, Neilsen) [FIG. 11 illustrates the logic of the callback routine 58 which the thread 50a, b, c calls to update information in the job entry object 54a, b, c for the thread 50a, b, c executing the callback routine 58. Control begins at block 130 which represents the client 4a, b, c executing]. The examiner interprets that the threads are used for indicating the progress of the steps in operation process.

10. In regards to claims 6, 7, 15, & 16, Neilsen states wherein the progress indicator indicates a percentage of completion of the step of the executing process and the progress indicator comprises one or more values indicating the progress of the step of the executing process (col. 4 lines 34-37, Neilsen) [Dialog box 40a further indicates the number of the current file being sent next to the "Sending file" line and the percent of the current file that has been transmitted to the printer manager 6, e.g., 31%]. The examiner interprets that a percentage is used to indicate the completion of the job, and 31% represents the progress indicator comprises of one or more values of the progress step of the executing task.

11. In regards to claims 8 & 17, Neilsen generating a progress report in a progress reporting language further comprises:

generating a progress indicator associated with the step identifier indicating the progress of a step identified by the step identifier (Figure 11 item 154 & col. 8 line 65-

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col. 9 line 3, Neilsen) [Control then transfers to block 154 which represents the client 4a, b, c determining whether the progress indicator dialog box 40a, b is displaying the print job for the job entry 54a just updated. If so, control transfers to block 156 to generate the display in the progress indicator 40a, b of the updated information]. The examiner interprets that block 154 is used for indicating the progress of the steps that are updated, and if the process is updated the next block creates a visual updated display of the each progress that is made.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to O'Neal R Mistry whose telephone number is (571) 272-4052. The examiner can normally be reached on 9am - 6pm.

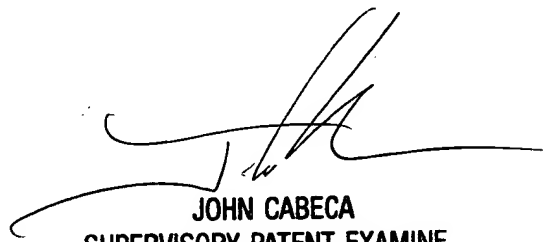
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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